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April 18, 2022

Via ECF

Honorable Debra Freeman,
United States Magistrate Judge
United States District Court
Southern District of New York
500 Peal Street, Room 17A
New York, New York 10007

RE: *In re Navidea Biopharmaceuticals Litigation*, Case No. 19-cv-01578–VEC

Dear Magistrate Judge Freeman:

We represent Plaintiff Navidea Biopharmaceuticals, Inc. (“Navidea”) and Third-Party Defendant Macrophage Therapeutics, Inc. (“Macrophage”) in the above-referenced matter. Pursuant to the Court’s Individual Rule I.B, we write jointly with Defendant Dr. Michael M. Goldberg (“Dr. Goldberg”) to request an extension of time to respond to Dr. Goldberg’s Fee Application for Advancement of Certain Fees and Expenses (the “Application”) filed on April 8, 2022 (ECF No. 275).

Navidea’s and Macrophage’s Position

Navidea and Macrophage believe that the application is subject to Local Civ. R. Pro. 6.1 with opposition due 14 days following the submission of the Application. Navidea and Macrophage require additional time to review and analyze the invoices included as exhibits in Dr. Goldberg’s Application and have also been delayed in their ability to work on the opposition due to certain health issues which can be further elaborated upon under seal if necessary. As a result, we respectfully request that Navidea and Macrophage’s time to respond to Dr. Goldberg’s Application be extended from April 22, 2022 to May 5, 2022, and Dr. Goldberg’s time to file his reply be extended from April 29, 2022 to May 19, 2022. This is Navidea and Macrophage’s first request for an extension of time for Dr. Goldberg’s Application. No other scheduled dates would be affected by the extension of time.

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Dr. Goldberg's Position

Dr. Goldberg submitted the Application pursuant to the Court's Opinion and Order dated March 7, 2022 (ECF No. 261), as modified by the Court's Memo Endorsement dated March 9, 2022 (ECF No. 263). Dr. Goldberg is unclear whether the Court intended the Application to be subject to opposition and reply submissions. To the extent the Court did not intend opposition and reply submissions to be filed, Dr. Goldberg objects to the Court authorizing such submissions. However, to the extent the Court intended such submissions, Dr. Goldberg consents to the dates detailed above.

Respectfully submitted,

/s/ Barry M. Kazan

Barry M. Kazan

cc: Karim Sabbidine, Esq. (via ECF)
Gregory Zimmer, Esq. (via ECF)